



Engaging in public policy

The Policing in Indigenous Communities team. (Left to right) Project Manager Mark Pathe; Principal Adviser (Legal Research) Zoe Ellerman; Senior Legal Research Officer David Jones; Principal Adviser (Policing) Dennis Budz; Indigenous Complaints Services Officer Trudi Broderick; and Indigenous Liaison Officer Cheryal Kyle. (Absent from photo) Indigenous Liaison Officer Daniel Abednego.

‘Our research referrals attest to our independence and our commitment to non-partisan analysis’

Susan Johnson
Director, Research and Prevention



In recent years the CMC has been engaged in projects with a significant criminal justice and public policy focus. These projects originate in one of three ways. They may:

- arise from investigations
- be referred by our minister under section 52(1)(c) of the Crime and Misconduct Act
- be undertaken under requirements in other legislation.

Projects arising from investigations

A significant area of activity for the CMC has been to produce major reports on social and criminal justice policy issues confronting government, which have arisen out of our misconduct investigations. Some examples include:

- *Seeking justice: an inquiry into how sexual offences are handled by the Queensland criminal justice system* (2003), arising out of the investigation into police and prosecution conduct with respect to charges against Mr Scott Volkers
- *Protecting children: an inquiry into abuse of children in foster care* (2004), arising out of our investigation of specific complaints we received about abuse of children in foster care.

In both cases, the CMC has been involved in following up on how implementation of the recommendations has progressed.

Implementation of the *Seeking justice* report

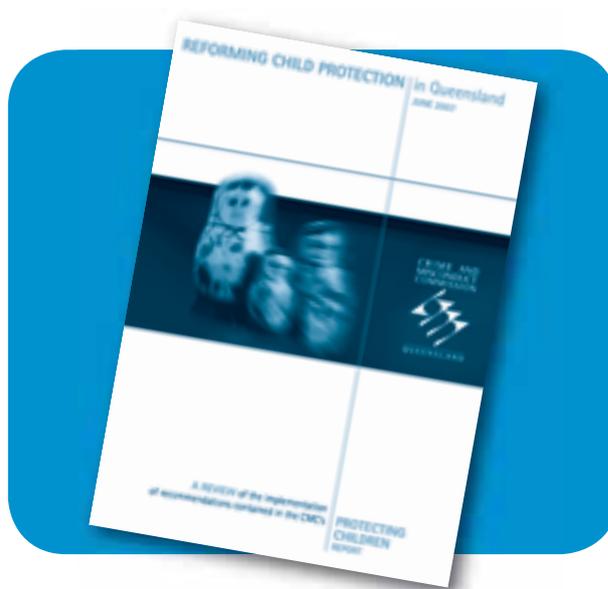
This report contained 24 recommendations for reform of the criminal justice system, including that the CMC review the implementation of its recommendations and report to parliament in two years.

In 2006–07 we sought submissions concerning the implementation to date of the 24 recommendations made. In their submissions to the CMC in April 2006, the QPS and the ODPP reported that implementation of most of the recommendations was either completed or well under way. The final report is expected to be completed shortly.

Implementation of the *Protecting children* report

This 2004 report contained 110 recommendations for reform, including a recommendation for the creation of a new department, the Department of Child Safety. The Queensland Government accepted all 110 recommendations.

The CMC's report, *Reforming child protection in Queensland: a review of the implementation of recommendations contained in the CMC's Protecting children report* (published in June 2007), confirmed that most of the recommendations have been implemented, although some work still remains to be done. The Commission for Children and Young People and Child Guardian is now established as the organisation to continue to monitor the child protection system.



Referrals from the minister under the Crime and Misconduct Act

Under section 52(1)(c) of our Act, the CMC has a function to undertake research into any other matter relating to the administration of criminal justice, or relating to misconduct referred to the CMC by the minister.

The most recent referral was received in 2007 and requested a review of policing in Indigenous communities.

Policing in Indigenous communities

On 26 November 2004 there was a riot at Palm Island during which the police station was extensively damaged. This incident followed the death of an Aboriginal man in the Palm Island watch-house a week earlier. A riot also occurred at Aurukun on 9 January 2007 after an Aboriginal man alleged that police had assaulted him in the watch-house.

In February 2007, the Attorney-General and Minister for Justice asked the CMC to examine policing in Indigenous communities (Aboriginal communities living on deed of grant in trust [DOGIT] areas and Torres Strait Islander communities). The terms of reference were for the CMC to examine and make recommendations to the state government with respect to:

- possible changes to existing police policy and procedure that would result in improved relations between the Queensland Police Service and Aboriginal DOGIT communities and Torres Strait Islander communities
- current practices relating to detention in police custody in remote communities, including the monitoring of detainees in watch-houses and other police facilities in Aboriginal DOGIT communities and Torres Strait Islander communities, and the possible involvement of community justice groups or other civilians in the monitoring of detainees
- the optimal use of existing and future state resources available to deliver criminal justice services in Aboriginal DOGIT communities and Torres Strait Islander communities.

As at 30 June 2007 the CMC had commenced its inquiry into these issues and had:

- published an issues paper on the inquiry
- undertaken a review of the relevant literature, including the report of the Royal Commission into Aboriginal Deaths in Custody and the Deputy Coroner's report on the Palm Island inquest
- visited all the DOGIT communities in Queensland and consulted with the councils, community justice groups, community members and local police
- visited Thursday Island and consulted with Torres Strait Islander community representatives, police and other agency representatives
- visited regional centres and consulted with police managers, legal services and government departments

- invited submissions from these and other interested people and organisations, including the police unions, government departments and the government's 'community champions'.

Since the inquiry began, the CMC has also been monitoring relevant developments, including the government's announcements of the introduction of digital recording cameras in watch-houses, and increased police numbers in several DOGIT communities. Public hearings are scheduled for the latter half of 2007, and the CMC's report of the inquiry will be published in 2008.

Projects required under other legislation

As well as the research functions set out in our Act, the CMC is increasingly required to conduct research under provisions inserted into other legislation, such as the *Prostitution Act 1999*, the *Police Powers and Responsibilities Act 2000* and the *Summary Offences Act 2005*.

Regulating outcall prostitution

The Prostitution Act included a provision requiring the CMC to review the effectiveness of the Act. Our evaluation of the Prostitution Act, *Regulating prostitution*, was described in last year's annual report. That review was then extended to examine whether Queensland should legalise outcall or escort prostitution services.

After conducting consultations with key informants, calling for public submissions, updating our review of the pertinent research literature and legislation, and conducting two days of public hearings, we released an interim position paper in December 2005.

During 2006–07 we released the second report, *Regulating outcall prostitution: should legal outcall prostitution services be extended to licensed brothels and independent escort agencies?* The report recommended against legalising outcall prostitution services from licensed brothels and independent escort agencies. We were concerned that legalising those services could pose too many risks for Queensland, and damage the current legal industry (licensed brothels and sole operators). We also made a number of recommendations designed to strengthen the attack on the illegal industry.



Our recommendations are still being considered by the Queensland Government, and no decision has yet been made about implementation.

Review of public nuisance provision

We are currently finalising our review of the public nuisance provision of the *Summary Offences Act 2005*. This Act replaced the *Vagrants, Gaming and Other Offences Act 1931* (VG00 Act) and reformulated a number of street offences. Section 7AA(6) of the VG00 Act required the CMC to undertake a review of the operation of the public nuisance provision of that Act after 18 months, and the review requirement was carried over into section 6 of the *Summary Offences Act*. The CMC's review started in October 2005.

An issues paper was published in May 2006, calling for public submissions on how the new public nuisance offence is being enforced, and on its impact on the Queensland public. The submissions, as well as the results of a targeted consultation process, and analysis of relevant offence data from the police and the courts, will form the basis of a report to be published in the next reporting period.

Outlook 2007–08

Forthcoming reviews

The Queensland Parliament has made a number of amendments to the *Police Powers and Responsibilities Act 2000* (PPRA), which include a requirement that the CMC review the new powers.

Motorbike noise. Section 25 of the *Police Powers and Responsibilities Act (Motorbike Noise) Amendment Act 2005* amends the PPRA to direct that the CMC, as soon as practicable after 1 July 2007, review the effectiveness of the motorbike noise provisions in mitigating the emission of excessive noise from motorbikes being driven on places other than roads, and report on the review. Work on the review has commenced.

Move-on powers. The *Police Powers and Responsibilities and Other Acts Amendment Act 2006* received assent on 1 June 2006. Among other amendments, this Act amended the PPRA to expand the QPS move-on powers – in particular, expanding the operation of the move-on power to include any public space, and inserting a requirement that the CMC review the use of the power by police. The review is to begin as soon as practicable after 31 December 2007 and will be tabled in the Legislative Assembly.

'Evade police' offence. The *Police Powers and Responsibilities Act* was also amended to insert new provisions about evading police.

Section 789 of the PPRA directs that the CMC review the use by police officers of powers under this chapter and report on the review. The review must be started as soon as practicable after 30 June 2009.